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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,111	07/10/2003	Vincent Edward Norment		1858

7590 06/16/2004

Vincent E. Norment
219 B. Davey Street
Bloomfield, NJ 07003

EXAMINER

MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
----------	--------------

3765

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JUN 28 2004

TECHNOLOGY CENTER 3700

Office Action Summary

Application No.

10/616,111

Applicant(s)

NORMENT, VINCENT EDWARD

Examiner

Katherine M Moran

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because the drawings of Figures 5b,c, 6b,c, 7b,c 8a,b, 9, and 10 appear to be a photocopy of the claimed invention. 37 CFR 1.84 requires that the drawings be of India ink or its equivalent to ensure solid black lines.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claims 1, 3, and 4 contain the trademark/trade name D-BAND. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves.

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Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe an absorbent headband and, accordingly, the identification/description is indefinite.

4. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The claims refer to structures as shown in the Figures, but the claims themselves do not outline the particular structure of the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Eisenberg (U.S. 6,108,818). Eisenberg '818 discloses the invention as claimed. Eisenberg teaches an absorbent headband which inherently blocks a certain percentage of the sun's ultra violet rays when worn on the forehead.

1. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (CA 2,121,271). Smith discloses the invention as claimed. Smith teaches a headband 1 with crown bands 3-5 including novelty items 4.4,4.5 on the headband's surface.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg '818 in view of Checkeroski (U.S. 5,386,592). Eisenberg discloses the invention substantially as claimed. However, Eisenberg does not teach an absorbent headband with extra absorbent bands coming from the top and attaching to the first headband. Checkeroski teaches a headband configuration with a first band 36 and second bands 34 extending over the top of the wearer's head. This configuration provides a more secure and stable headband assembly which remains in position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the headband of Eisenberg with the extra bands as taught by Checkeroski to serve as reinforcing components to the first headband.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg in view of McConville (U.S. 5,826,277). Eisenberg discloses the invention substantially as claimed. However, Eisenberg does not teach a sweatband with logos or other indicia. McConville teaches an absorbent headband 12 with indicia or other design (col.4, lines 4-6). It is known in the art to provide head-worn gear with indicia, thus providing a "walking billboard". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Eisenberg's headband with indicia or other designs as taught by McConville, for promotional purposes, or to display one's sports or other allegiances.

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PREFERRED FORMAT

The following is a preferred format for a response to this Office Action (this would also help in making sure the response is matched to the proper application):

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Art Unit: 3765
[applicant's name]	Examiner: Katherine Moran
Serial No. [#]	
Filed: [applicant's filing date]	
For: [title of the invention]	

RESPONSE

Honorable Commissioner of Patents and Trademarks	Date:[applicant's mailing date]
---	------------------------------------

Washington, DC 20231

Sir:

In response to the Office Action of [date mailed by Examiner], please amend the above application as follows:

IN THE SPECIFICATION:

As required by 37 CFR 1.121, Applicant should identify the location to delete, replace, or add a paragraph. Any replacement or added paragraphs should be in clean form, that is, without markings to indicate the changes that have been made, and also include another version of the replacement paragraph on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of the paragraph. The changes may be shown by brackets (for deleted matter) or underlining (for added matter). A marked up version does not have to be supplied for an added paragraph or a deleted paragraph as it is sufficient to state that a particular paragraph has been added, or deleted. If Applicant chooses to submit a substitute

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specification, this should include an instruction to replace the specification including a signed and dated statement that the substitute specification does not include any new matter. Applicant should also include the substitute specification and a marked-up copy of the substitute specification which shows all changes relative to the previous version of the specification. The changes may be shown by brackets (for deleted matter), or underlining (for added matter).

IN THE CLAIMS:

As required by 37 CFR 1.121, amendments to a claim must be made by rewriting the claim with all changes (e.g., additions, deletions, modifications) included. A rewritten or newly added claim must be in clean form, without markings to indicate the changes that have been made. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g. "amended", "twice amended", or "new"). If a claim is amended by rewriting the claim with the same number, the amendment must be accompanied by another version of the rewritten claim, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of that claim.

IN THE ABSTRACT:

Applicant should follow the instructions given above for specification amendments. If the abstract was noted as missing, applicant is asked to place the Abstract on a separate sheet of paper (as required by MPEP § 608.01(b)). This would avoid a lengthy Examiner's Amendment to do so when and if this application is passed to issue.

REMARKS:

In this section Applicant should explain (in general) what changes were made to the application (Specification, Abstract, Drawings, etc.) and should point out any disagreements with

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the Examiner's findings. Applicant should also discuss the references applied against the claims, explaining how claims might avoid the references or distinguish from them.

The amendment should then be signed by Applicant and dated.

CERTIFICATE OF MAILING

Following is a suggested format for the certificate of mailing under 37 CFR 1.8© which should be included with all correspondence.

"I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on _____"

Name of applicant, assignee, or Registered Representative

Signature _____

Date _____

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huntington (U.S. 2,051,714), Lazarus (U.S. 2,428,937), Lesley (U.S. 4,517,685), and Yung (US 2002/0112273) teach relevant prior art.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed.

Applicant is advised to secure the services of a registered patent attorney or agent to prosecute

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the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (703) 305-0452. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (703) 305-1025. The official and after final fax number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

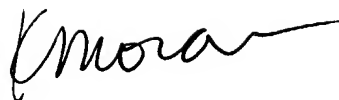
Kmm

May 14, 2004

Application/Control Number: 10/616,111

Art Unit: 3765

Page 9

A handwritten signature in black ink, appearing to read 'K Moran', with a long horizontal flourish extending to the right.

Katherine Moran

Primary Examiner, AU 3765

Notice of References Cited

Application/Control No.

10/616,111

Applicant(s)/Patent Under
Reexamination
NORMENT, VINCENT EDWARD

Examiner

Katherine M Moran

Art Unit

3765

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2,051,714	08-1936	HUNTINGTON WALTER S	2/171.2
	B	US-2,428,937	10-1947	LAZARUS HETTYE S	2/171.7
	C	US-4,517,685	05-1985	Lesley, Gary M.	359/518
	D	US-5,386,592	02-1995	Checkeroski, Mark	2/209.13
	E	US-5,826,277	10-1998	McConville, Christina H.	2/171
	F	US-6,108,818	08-2000	Eisenberg, Howard M.	2/181.2
	G	US-2002/0112273	08-2002	Yung, Lee Kido	2/171
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	CA 2,121,271	04-1994	Canada	Smith	2
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	www.dapparel.com
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



Ottawa Hull K1A 0C9

(21) (A1) 2,121,271
(22) 1994/04/14
(43) 1995/10/15

(51) INTL.CL.⁵ A42B-003/00

(19) (CA) **APPLICATION FOR CANADIAN PATENT** (12)

(54) Protective Headgear for Infants and Toddlers

(72) Smith, Nancy - Canada ;

(71) Same as inventor

(57) 2 Claims

Notice: This application is as filed and may therefore contain an incomplete specification.



2121271

PROTECTIVE HEADGEAR FOR INFANTS AND TODDLERS

ABSTRACT

Protective headgear for infants and toddlers consisting of one thick stuffed tube and several smaller crown bands stuffed with polyester fibre fill or like substances; casings of said head and crown bands is of durable, attractive textile fabric. The invention is inexpensive to produce, adjustable, lightweight, and has a very attractive design. Infants wear the hat once they begin to sit up and to interact with their environment, from sitting up, crawling, and learning to walk. The hat is meant to protect the child's head from minor collisions associated with everyday living of children approximately aged six months to two years old. The invention is also designed to be attractive, and incorporates novel designs, so that parents will be pleased to put it on their child's head and encourage their child to wear the headgear daily.

PROTECTIVE HEADGEAR FOR INFANTS AND TODDLERS

SPECIFICATION

5

This invention relates to infant protective headgear. This invention is designed for infants and toddlers daily use while they explore their new environment and learn all the motor processes, sitting up, crawling, walking associated with children between the ages of approximately six months and two years of age. This invention is designed to be inexpensive to produce, comfortable for the child to wear, as well as attractive to the parents. The invention also may be used by invalids.

The present invention is unique, new, and fully distinguishable from prior art which are uncomfortable, impractical, too complicated and hence too expensive to produce, and highly unconventional in appearance.

Protective headgear for children has been contemplated for decades, and the need for headgear which protects a child's head during the formative years of development between 6 mos. and 24 mos. is well understood. Yet, to date, no previous art has been able to satisfy the needs of the infant AND the parent in order that the need for this headgear can be truly satisfied in the marketplace.

In many ways the Fitch design, 1913, U.S. Patent # 1,072,321, was the simplest and the best. Though, as Richoux (U.S. Patent # 5,075,903) points out, Fitch's design lacks sufficient protective surface area. Additionally, the inflatable rubber tubes are narrow, and the choice of rubber makes Fitch's device look like a contraption for an animal. In warm weather, the device would cause chafing due to sweat and dirt gathering between the rubber device and a baby's delicate skin.

Cunnane's device, while recognizing the need for an attractive appearance, falls short of its goal. Due to its bonnet-like appearance, it offers no protection to the forehead where most bumps occur in infants and toddlers. It is also very cumbersome, and despite efforts to provide ventilation, it would be hot.

Inherent in Franzen's invention is the recognition that the circumference of the child's head is where most growth occurs. Yet though the headgear is adjustable, the design provides too minimal protection for the ages 6 mos.. to 24 mos.. Additionally, the headstrap is not sufficiently attached to the headband.

Steeles' invention's objective is not directed toward the everyday activities of infants and toddlers. As a result, gaps between concentric rings leave the child's head unnecessarily prone to injury. The design is also too complicated to make inexpensively.

Richoux's invention is specifically designed to protect the occipital area of a child's head from serious injuries such as subdural hematoma or skull fracture, a dubious claim, hence the large pad situated at the rear of the headgear. Additionally, the use of elastic in the headband of said art makes it difficult to adapt to ages 6 mos. to 24 mos.. This age group experiences growth in head circumference of approximately six inches, 12 centimeters. Either the headband will be loose for the infant, or tight on a toddler. As a result, an adjustable headstrap seems misplaced and instead only serves to pull upon an elasticized headband, which, in turn slips upward, pulling on the elasticized chin strap and rendering the headgear ineffective. Additionally, the rear head pad, measuring between 4 to 7 inches, could cause discomfort for crawling infants. Fig. 5 of Richoux's invention shows the hat on an older child. A crawling infant, however, moves with its head at an approximate 80 degree angle to the nape of its neck. The rear head pad would rub against an infant's neck.

SUMMARY OF THE INVENTION

The present invention overcomes the difficulties and inconveniences of previous art. The headband is made of durable textile fabric and stuffed with new yieldable material such as polyester fibre fill. The headband is approximately 1 1/2" thick and between 2 and 3" wide, providing much protection to the sides, front and back of the child's head, while maintaining a simple and inexpensive design. Additionally, the headband is pliant enough to follow the natural curves at the back of the child's head, rather than rigidly fitting on the head horizontally. One segment of elastic, approximately 4" long and 1" wide, joins the ends of the headband at the back of the head. An additional padded back flap with Velcro, snaps, hooks, buttons or other devices with a similar fastening purpose fastens at the back, providing additional padding to the head, and acting as a means of adjusting the headband up to approximately six inches. To provide additional protection while maintaining adequate ventilation, the present headgear has five crown bands that radiate from the centre top of the headgear. The chin strap is made of two strips of textile fabric, each one attached to the distal end on either side of the headgear. Preferably two rings attached to the one end of one strip, while the other strip is threaded through the rings to provide a firm yet flexible hold under the child's chin.

Considerable emphasis is given to the tastes of parents and caretakers of infants and young children. They are the ones who ultimately decide to buy and to use the headgear. At least two models of the headgear will be made available: For boys an attractive, textile fabric-covered piping is sewn into the seam of the headband, around the entire circumference of the hat. For girls, lace is sewn into the seam instead of piping. Bows are sewn on the front of each design. Additionally, from time to time, other fanciful figures or novel designs may be adhered to the headgear such as animal ears, feathers, and the like. The present invention is very well suited to its objectives of versatility, comfort and ventilation, protection of the head, attractiveness, and cost effectiveness.

An objective of this invention is to provide protective headgear for children aged six months to two years of age.

Another objective of this invention is to provide a protective headgear for young children that provides sufficient and effective protective surface area by the headband.

A further objective of this invention is to provide adjustable and secure headgear for infants.

A still further objective of this invention is to provide an infants' protective headgear that is simple in construction and economically manufactured.

Yet another objective of this invention is to provide an infant's protective headgear that is attractive to parents and guardians and that supports intriguing accessories such as piping, lace, ribbon, bows, animal ears, etcetera.

BRIEF DESCRIPTION OF THE DRAWINGS

- Fig. 1 is a profile view embodying the invention on the head of a young child.
 Fig. 2 is a plan view (as seen from the underside of the hat) of the invention.
 Fig. 3 is a rear elevation of the hat as taken from 1-1 in Fig. 2.
 Fig. 4 is a front elevation of an alternative embodiment of the invention, illustrating the configuration and placement of fabric panels and animal ears.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

In Fig. 1, the preferred embodiment of the invention shows a thick padded headband that is easily adjustable by a padded back flap 2, which is sewn to the head band. Attached to the headband at regular intervals are padded crown bands 3,4,5 which are sewn into place at area 6 where the crown bands intersect. A chin strap 7, made of fabric in the preferred embodiment, though it may be made of other materials, is fastened by rings 8. At areas 20, 21, 22 the crown bands are sewn into the seam of the headband as is the lace or piping 9 or other novel designs. At area 23 a bow or other novel designs such as fashioned animal eyes, shapes, buttons or other notions are attached.

In Fig. 2 a plan view of the headgear is shown whereby the back flap 2 is disengaged. Elastic 11, 12 is sewn into the seam which connects the inner sides of the back flap and the inner side of the headband at area 10. In the preferred embodiment of the invention five padded crown bands provide protection to the head as well as hold the hat in place on the child's head. In the preferred embodiment, the fifth crown band is sewn to the elastic at area 13. When back flap is engaged to the headband, Velcro at 14 and 15 are brought together and provide a snug fit for any child. For a very young child's head, the ends of the headband 16, 17 almost meet and the elastic and crown band 11, 12, 13, tend to fold slightly to one side of the inside of the hat. On the head of an older sixteen-month old toddler, for example, elastic at 11, 12 stretches slightly. Hook and loop fasteners at 14, 15 adjust and hold the hat comfortably in place on the child's head. Thus, the hat can be easily adjusted to the child's head each time he wears the hat. In an alternate embodiment of the invention, the number of crown bands vary, as shown in phantom in Fig. 2.

Fig. 3 is a rear view section of Fig. 2, highlighting the configuration of the adjustable features of the said headgear.

Fig. 4 is a front elevation of an alternate embodiment of the invention, in which, 4.1, 4.2, 4.3 are examples of where canvas or other fabric pieces might be placed to protect the child's head from sunlight. The canvas could be sewn into two antipodal side seams of each crown band, and into the seam of the headband, forming a sun hat with padded headband and crown bands. 4.4 shows an alternate embodiment of the invention in which fanciful animal ears are sewn into an outwardly facing seam of the crown band. 4.5 illustrates where teddy bear eyes or similar decoration might appear on the headband on an alternate embodiment of the invention.

It will be understood that the particular embodiment of the invention described herein is capable of further modification, and this application is intended to cover any variations, uses, or adaptations of the invention following, in general, the principles of the invention, including departures from the present embodiment of the invention as is customary practice in the art to which the invention pertains and as may be applied to the essential features set forth in this application and as fall within the scope of the invention or the limits of the appended claims.

40 The embodiments of the invention in which an exclusive property or privilege is claimed are defined as follows:

1. A protective headgear for infants and toddlers consisting of a thick, padded headband and padded adjustable back flap, first end of said headband is connected to second end by an elastic or similar device in which first end of said headband is attached by sewing to first end of
45 said elastic, and the second end of said elastic is attached to second end of said headband at the point wherein the said headband and said back flap are sewn together, said adjustable back flap opens in either direction, said back flap located at back, front, or at either side of said headband, said headband supporting one to eight padded crown bands that provide further protection to the

head, said headband donning bows or other fanciful figures, said headband comprised of lace or piping sewn into the seam of said headband, said headband further comprising a chin strap made of similar textile fabric as said headband, though other materials such as elastic, ribbon will serve the same purpose, as will rings, hook and loop fasteners, buttons or like devices serve as means of fastening said chin strap under chin.

5 2. A protective headgear as claimed in claim 1 in which alternate embodiments of the invention supports fanciful figures such as animal ears or the like on one to eight padded crown bands, or eyes, shapes or other fanciful figures on the said headband, or fabric panels attached to said crown bands and said headband to form a sun hat, or any combination of said alternate
10 embodiments.

2121271

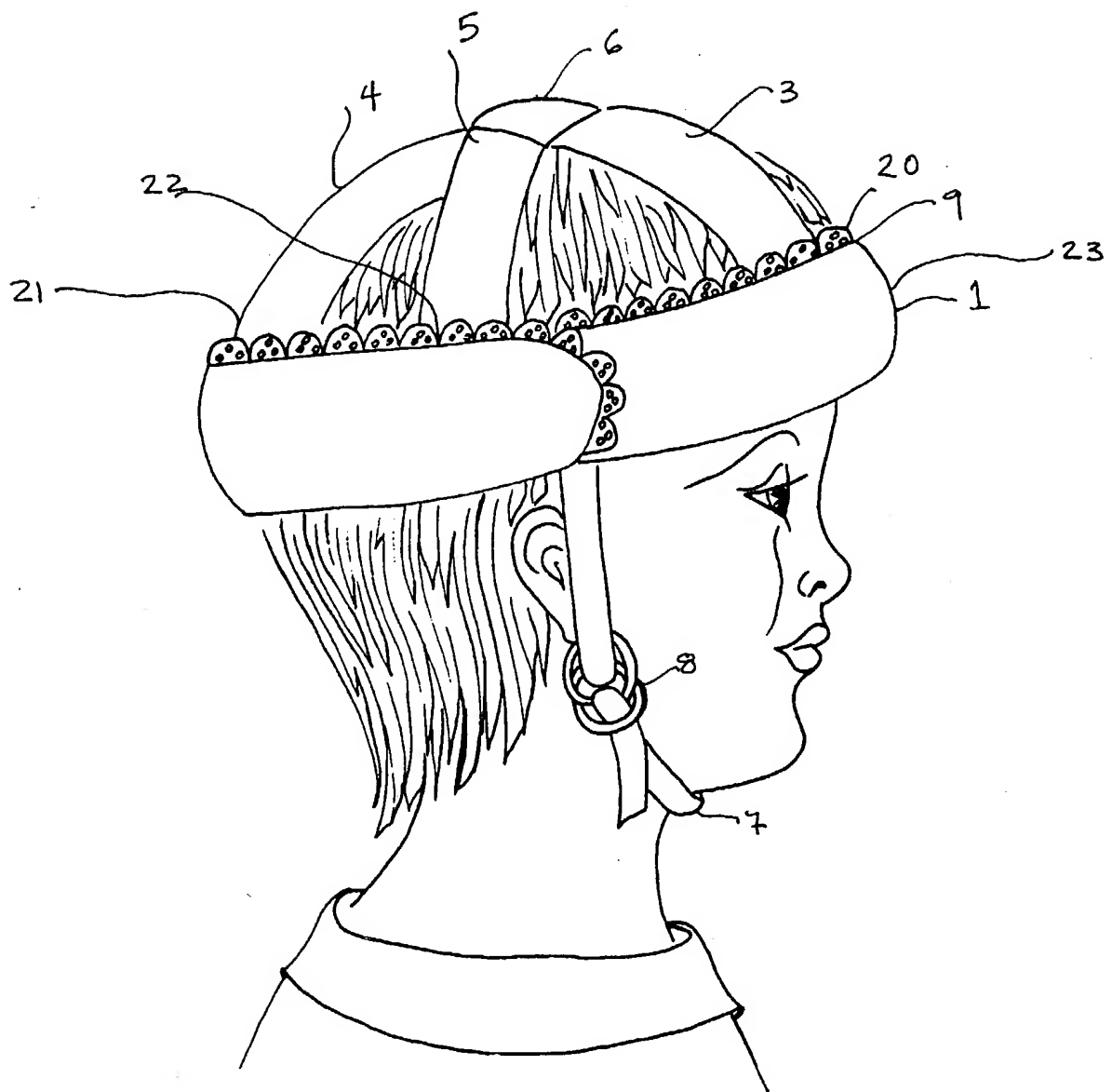


Fig. 1

Fig. 2

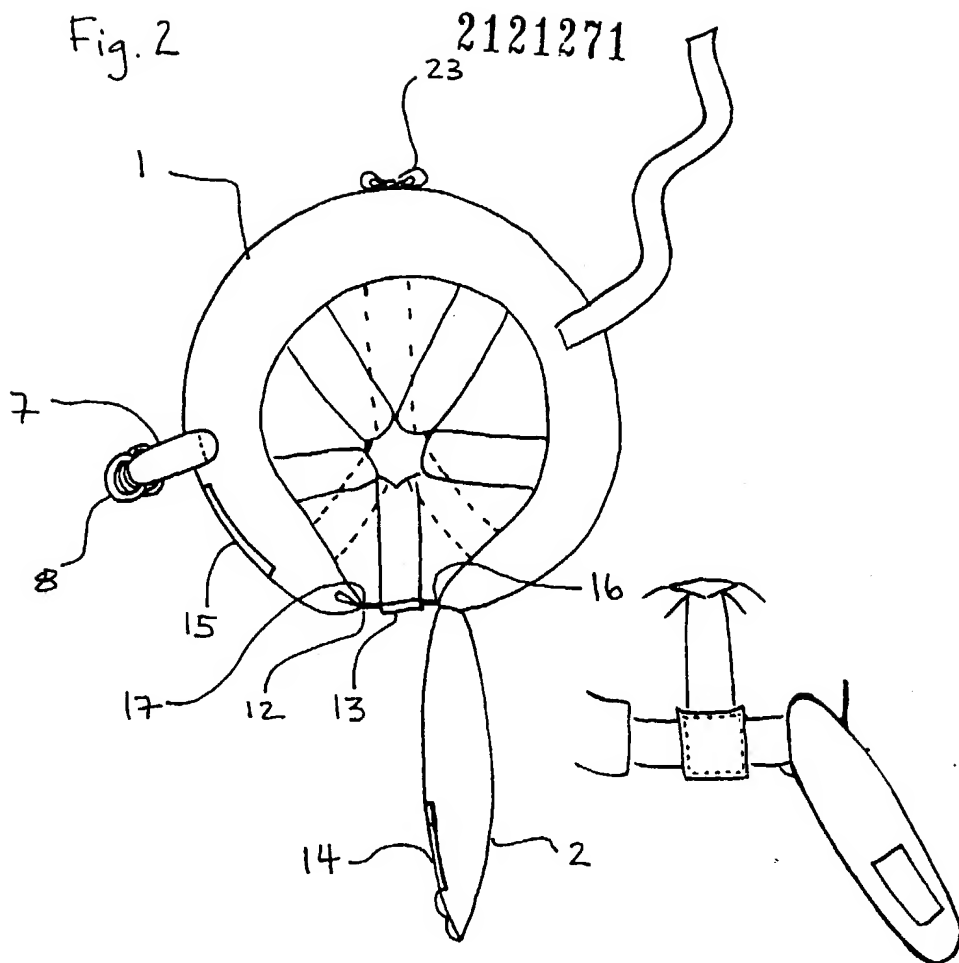


Fig. 3

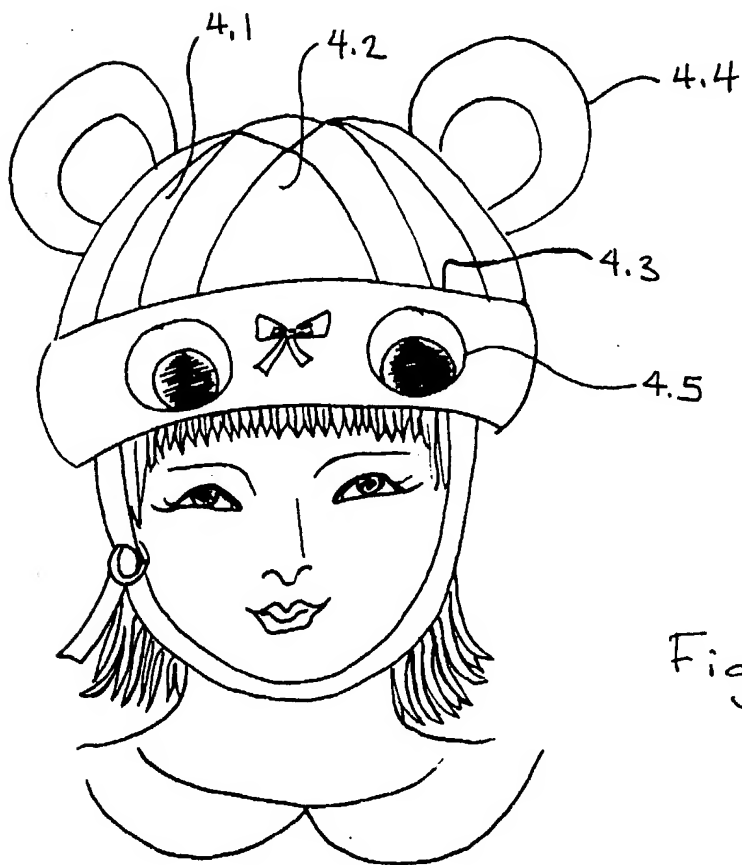


Fig. 4

NEWS

PRODUCT DEMOS

VIDEOS

STORES

COMPANY

SHOP



Soak It Up.

1-866-4
1-8

WHAT LEADERS WEAR



PLAY



OUR
PRODUCTS:



SINGLE
ABSORBS MORE
SWEAT THAN A
REGULAR HEADBAND

Tell A Friend



D-Band Protects You Better



A SA
FOR
PROTEC

Join Our

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USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES

In support of its 21st Century Strategic Plan goal of increased patent e-Government, beginning in June 2004, the United States Patent and Trademark Office (Office or USPTO) will begin the phase-in of its E-Patent Reference program and hence will: (1) **provide downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions** via the E-Patent Reference feature of the Office's Patent Application Information Retrieval (PAIR) system; and (2) **cease mailing paper copies of U.S. patents and U.S. patent application publications with Office actions** (in applications and during reexamination proceedings) except for citations made during the international stage of an international application under the Patent Cooperation Treaty (PCT). In order to use the new E-Patent Reference feature applicants must: (1) obtain a digital certificate and software from the Office; (2) obtain a customer number from the Office; and (3) properly associate patent applications with the customer number. Alternatively, copies of all U.S. patents and patent application publications can be accessed without a digital certificate from the USPTO web site, from the USPTO Office of Public Records, and from commercial sources. The Office will continue the practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of cited references will continue to be provided by the USPTO for international applications during the international stage.

Schedule

June 2004	TCs 1600, 1700, 2800 and 2900
July 2004	TCs 3600 and 3700
August 2004	TCs 2100 and 2600

All U.S. patents and U.S. patent application publications are available on the USPTO web site. However, a simple system for downloading the cited U.S. patents and patent application publications has been established for applicants, called the E-Patent Reference system. As E-Patent Reference and Private PAIR require participating applicants to have a customer number, retrieval software and a digital certificate, all applicants are strongly encouraged to contact the Patent Electronic Business Center to acquire these items. To be ready to use this system by June 1, 2004, contact the Patent EBC as soon as possible by phone at 866-217-9197 (toll-free), 703-305-3028 or 703-308-6845 or electronically via the Internet at ebc@uspto.gov.

Other Options

The E-Patent Reference function requires the applicant to use the secure Private PAIR system, which establishes confidential communications with the applicant. Applicants using this facility must receive a digital certificate, as described above. Other options for obtaining patents which do not require the digital certificate include the USPTO's free Patents on the Web program (<http://www.uspto.gov/patft/index.html>). The USPTO's Office of Public Records also supplies copies of patents for a fee (<http://ebiz1.uspto.gov/oems25p/index.html>). Commercial sources also provide U.S. patents and patent application publications.

For complete instructions see the Official Gazette Notice, USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES, on the USPTO web site.

**NOTICE OF OFFICE PLAN TO CEASE SUPPLYING COPIES OF CITED U.S. PATENT
REFERENCES WITH OFFICE ACTIONS, AND PILOT TO EVALUATE THE
ALTERNATIVE OF PROVIDING ELECTRONIC ACCESS TO SUCH U.S. PATENT
REFERENCES**

Summary

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site (www.USPTO.gov) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

**Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent
References**

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <http://www.uspto.gov/ebc/downloads.html>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: <http://www.uspto.gov/web/forms/sb0125.pdf>. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: http://www.uspto.gov/ebc/registration_pair.html.

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at eReference@uspto.gov or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

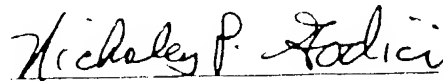
Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at <http://www.uspto.gov/web/patents/ifw/index.html>. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

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Commissioner for Patents

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